

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS,  
Plaintiff,

v.

DIGITAL REALTY TRUST INC, et al.,  
Defendants.

Case No. 14-cv-05180-EMC (KAW)

**ORDER GRANTING DEFENDANTS'  
MOTION TO STRIKE**

Re: Dkt. No. 302

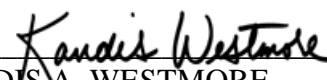
On March 20, 2018, Plaintiff filed a motion to recuse the undersigned. (Dkt. No. 288.) Plaintiff's motion was accompanied by a declaration, which referred to an "Exhibit A" of data about visitors to the website SomersDecision.com; the exhibit, however, was not attached to the declaration. (Somers Decl. ¶ 2, Dkt. No. 288-1.)

On April 3, 2018, Defendants filed an opposition to Plaintiff's motion to recuse. (Dkt. No. 292.) Defendants also pointed to the lack of Exhibit A to Plaintiff's declaration. (Dkt. No. 294 at 2.) On April 13, 2018, Plaintiff filed his Exhibit A on the docket, providing no explanation for the delay in filing. (Dkt. No. 301.) That same day, Defendants filed objections and a motion to strike Plaintiff's Exhibit A, arguing that the exhibit was untimely, particularly when it had been filed after Defendants' opposition was due. (Dkt. No. 302.) Plaintiff did not respond.

The Court agrees that Exhibit A is untimely and that Plaintiff has failed to explain the late filing. Accordingly, the Court GRANTS Defendants' motion to strike, and will not consider Plaintiff's Exhibit A.

IT IS SO ORDERED.

Dated: April 30, 2018

  
KANDIS A. WESTMORE  
United States Magistrate Judge